

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	§	
Quinn, Liam B. et al	§	
	§	Confirmation No.: 2497
Serial No. 09/768,072	§	
	§	Group Art Unit: 2618
Filed: January 23, 2001	§	
	§	Examiner: Lu, Zhiyu
For: WIRELESS ANTENNA	§	
SWITCHING SYSTEM	§	

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR 1.181(F)**

Applicants, by the attorney of record, hereby petition the Commissioner to withdraw the holding of abandonment in the above-identified application. For the following reasons, Applicants respectfully request withdrawal of the holding of abandonment as the abandonment was in error by the United States Patent Office.

A Notice of Abandonment of the above-identified Application was mailed on June 14, 2012, by the U.S. Patent and Trademark Office. A copy of the Notice of Abandonment is attached as Exhibit A. The Notice of Abandonment states that the Application was abandoned in view of "the period for seeking court review of the decision has expired and there are no allowed claims". The undersigned submits to the Commissioner the following:

**STATEMENT OF FACTS**

- On March 19, 2007, Applicants filed a Reply Brief.
- On May 9, 2012, a Decision on Appeal was issued by the United States Patent and Trademark Office.
- On June 14, 2012, a Notice of Abandonment was issued by the United States Patent and Trademark Office.

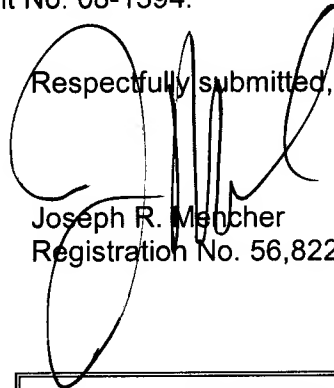
Upon receipt of the Notice of Abandonment, the undersigned telephoned the Examiner to clarify status of application. The Examiner confirmed his error in issuance of the Notice of Abandonment as the Decision on Appeal provided a shortened two-month period for reply, and thus, the deadline for response was July 9, 2012, not May 9, 2012.

Accompanying this Petition is a Request for Continued Examination and Amendment with the appropriate fee.

Applicants respectfully request that the subject Petition be granted and that the application be allowed to proceed with examination.

No additional fees are believed to be required, however, in the event that a fee is due, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Haynes and Boone, LLP's Deposit Account No. 08-1394.

Respectfully submitted,



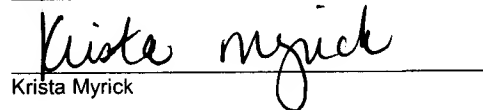
Joseph R. Mencher  
Registration No. 56,822

Date: 7/9/12  
HAYNES AND BOONE, LLP  
IP Section  
2323 Victory Avenue, Suite 2300  
Dallas, Texas 75219  
Direct Telephone: 512-867-8459  
IP Facsimile: 214-200-0853

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence and any attachments are being transmitted via the Electronic Filing System (EFS) Web with the United States Patent and Trademark Office on

July 9, 2012.

  
Krista Myrick

## Attachment A



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

JUN 18 2012

HAYNES AND BOONE, LLP

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,072	01/23/2001	Liam B. Quinn	M-9137 US	2497
27683 7590 06/14/2012				
HAYNES AND BOONE, LLP				
IP Section				
2323 Victory Avenue				
Suite 700				
Dallas, TX 75219				
EXAMINER				
LU, ZHIYU				
ART UNIT				
2618				
PAPER NUMBER				
MAIL DATE				
06/14/2012				
DELIVERY MODE				
PAPER				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/768,072	QUINN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	ZHIYU LU	2618

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☒ The decision by the Board of Patent Appeals and Interference rendered on 09 May 2012 and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/Zhiyu Lu/  
Primary Examiner, Art Unit 2618

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.